

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

October 8, 1997

DIVISION TWO

B111472 Los Angeles County, D.C.S. (Not for Publication)
 v.
 Inez M.

The judgment is affirmed.

Nott, J.

We concur: Boren, P.J.
 Fukuto, J.

B105551` Schuler (Not for Publication)
 v.
 First Federal Bank of California

The judgment is affirmed. Respondent is awarded costs on appeal.

Nott, J.

We concur: Boren, P.J.
 Zebrowski, J.

B091566 Galan (Not for Publication)
 v.
 Olson

The judgment is affirmed.

Nott, J.

We concur: Boren, P.J.
 Fukuto, J.

October 8, 1997-Continued

DIVISION TWO (Continued)

B099671 People v. Harris

(Not for Publication)

The Court:

The judgment is affirmed.

Fukuto, Acting P.J., Nott, J., Zebrowski, J.

[illegible]

The matter is reversed and remanded to the trial court for resentencing in accordance with *People v. Hendrix*, supra, 16 Cal.4th (97 Daily Journal D.A.R. 10663, 10664). The trial court shall forward to the Department of Corrections a corrected abstract of judgment specifying that the allegations that appellant committed crimes of attempted murder and robbery were found true. In all other respects, the judgment is affirmed.

Nott, J.

We concur: Boren, P.J.
 Fukuto, J.

B108499 People (Not for Publication)
v.
Mauldin

The Court:

The judgment is affirmed.

Boren, P.J., Fukuto, J., Nott, J.

October 8, 1997-Continued

DIVISION TWO (Continued)

B106112 People (Not for Publication)
v.
Zambrana

The Court:

The judgment is affirmed.

Boren, P.J., Nott, J., Zebrowski, J.

DIVISION THREE

[illegible]

The judgment is affirmed.

Aldrich, J.

We concur: Croskey, Acting P.J.
 Kitching, J.

[illegible]

The judgment is affirmed.

Aldrich, J.

We concur: Croskey, Acting P.J.
 Kitching, J.

DIVISION THREE (Continued)

B102170 People (Not for Publication)
v.
Martinez

The judgment is modified by staying the three-year term imposed for Martinez's conviction of making terrorist threats in violation of Penal Code section 422 as alleged in count six of the information, and the four-year Penal Code section 12022.5, subdivision (a) enhancement imposed for his personal use of a firearm during the offense. In all other respects, the judgment is affirmed.

Aldrich, J.

We concur: Klein, P.J.
Kitching, J.

B097660 People v. Hughes

(Not for Publication)

The judgment is modified by staying two of the three one-year Penal Code section 12022, subdivision (b) weapon use enhancements imposed with regard to Hughes's conviction of murder. In all other respects, the judgment is affirmed.

Aldrich, J.

We concur: Croskey, Acting P.J.
 Kitching, J.

DIVISION THREE (Continued)

B095785 People (Not for Publication)
B099850 v.
Johnson

The judgment on appeal is affirmed.

The petition for writ of habeas corpus is transferred to the Superior Court in and for Los Angeles County for an evidentiary hearing consistent with this opinion. The superior court is directed to appoint counsel to represent appellant in the evidentiary hearing. The Director of the Department of Corrections is ordered to show cause before that court, when ordered on its calendar, why the judgment should not be vacated. (See generally, *People v. Duvall* (1995) 9 Cal.4th 464; *People v. Romero* (1994) 8 Cal.4th 728.)

A certified copy of this order to show cause together with a copy of the petition for writ of habeas corpus filed herein, shall be served by this court on the Director of the Department of Corrections forthwith. The written return to this order to show cause and any traverse to the return shall be served and filed with the Los Angeles Superior Court on or before a date set by that court.

Aldrich, J.

We concur: Klein, P.J.
Kitching, J.

B104028 Michael Chayes (Not for Publication)
v.
Raymond Manzano, et al.

The award of costs of models, blowups and photocopying is stricken and the judgment modified accordingly. Judgment as so modified is affirmed. Costs on appeal awarded to appellant.

Aldrich, J.

We concur: Croskey, Acting P.J.
 Kitching, J.

DIVISION THREE (Continued)

B103046 Michael Horland, et al. (Not for Publication)

v.

Antin Pacific Builders, et al.

The judgment is reversed. Costs on appeal are awarded to appellants.

Aldrich, J.

We concur: Klein, P.J.
 Croskey, J.

B099492 Ricardo Fuentes (Not for Publication)

v.

Aldred Cellier, et al.

The judgment is affirmed.

Aldrich, J.

We concur: Croskey, Acting P.J.
 Kitching, J.

B098623 Jenefer S. Lass (Not for Publication)

v.

George Elkins, Co., Inc. et al.

The judgment is affirmed.

Aldrich, J.

We concur: Croskey, Acting P.J.
 Kitching, J.

DIVISION FOUR

B109619 People (Not for Publication)
v.
Anderson

The judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Epstein, J.
Hastings, J.

B099574 People
v.
Norwood

Filed order denying petition for rehearing.

B101643 People
v.
Washington

Filed order denying petitions for rehearing.

B112295 Telanoff (Not for Publication)
v.
Superior Court
State Compensation Insurance Fund

B112433 GT (Global Staffing), Inc.
v.
Superior Court
State Compensation Insurance Fund

The petition for writ of mandamus is granted. Let a peremptory writ of mandate issue directing respondent superior court to vacate its May 22, 1997, order rejecting the peremptory challenge, and to issue an order reassigning the matter to another judge for further proceedings. Petitioners are to recover costs.

Baron, J.

We concur: Vogel (C.S.), P.J.
Epstein, J.

DIVISION FIVE

B104764 People (Not for Publication)
v.
Sylvia Arizmendi

The judgment is affirmed.

Turner, P.J.

We concur: Armstrong, J.
 Godoy Perez, J.

B108150 Victor Mateluna (Not for Publication)
v.
Superior Court, Los Angeles County
(Medimanager, Inc. et al., r.p.i.)

Let a peremptory writ of prohibition issue permanently staying sentencing on the remaining 11 contempt counts. Let a peremptory writ of certiorari issue annulling the findings of 11 of the 12 counts of contempt. Plaintiffs, Medimanager, Inc., Community Healthcare Medical Group, Inc. ("Medical Group") shall recover their costs in connection with these extraordinary writ proceedings from defendant, Victor Mateluna.

Turner, P.J.

We concur: Armstrong, J.
 Godoy Perez, J.

B109644 Los Angeles County, D.C.S.
v.
S., Linda Kay

Filed order denying petition for rehearing.

B106725 People
v.
Derrill Louis Peck

Filed order denying petition for rehearing.

October 8, 1997-Continued

DIVISION SIX

Court convened at 9:00 A.M.

Present: Stone, P.J., Gilbert, J., Yegan, J., and G. Bents, Deputy Clerk.

Each of the following:

B107058 Marriage of Tutt
B109123 O'Mara v. Hattan
B109640 Dobesh v. Hummell

Argument waived, cause submitted.

B106402 Sanwa Bank of California
 v.
 Gilbert

Merits:
Argued by LeRoy O. Gilbert, Jr., appellant appearing in propria persona,
and by George L. Wittenburg for respondent. Cause submitted.

B106280 Elandt
 v.
 Goodwin

Merits:
Argued by Wendy C. Lascher for appellants and by John S. Nagle for
respondents. Cause submitted.

B105675 Erlich
 v.
 Menezes

Merits:
Argued by Alan J. Carnegie for appellants and by John DeLoreto; Janet
Vining Mitchell and Gary A. Bixler for respondents. Cause submitted.

DIVISION SIX (Continued)

B105488 General Accident Insurance Co.
 v.
 Maryland Casualty Co.

Merits:

Argued by Alexander F. Stuart for appellant and by James C. Nielsen;
Christopher D. Lockwood and Nancy Battelstein for respondents. Cause
submitted.

B105545 Los Carneros Community Associates
 v.
 Penfield and Smith

Merits:

Argued by Richard M. Coleman for appellant and by Samuel J. Muir for
respondent Penfield & Smith Engineers and by Stanley M. Roden for
respondents Linehan, et al. Cause submitted.

Court recessed at 11:30 a.m.

The Court reconvened at 1:30 P.M.

Present: Stone, P.J., Gilbert, J., Yegan, J., Coffee, J., and J. Terry, Deputy Clerk.

Each of the following:

B109063 Marriage of Chivers
B110613 Gonzales v. Fox
B111330 Mendez v. Heck

Argument waived, cause submitted.

B111713 Lechuga
 v.
 Somis Market

Merits:

Argued by Rebecca Weinstein for Cross-complainant and Appellant and by
Randall A. Smith for Cross-defendant and Respondent. Cause submitted.

DIVISION SIX (Continued)

B104603 Aaron
 v.
 Henlan

Merits:

Argued by James E. Prosser for appellant and by Wendy C. Lascher for respondent. Cause submitted.

B107960 Simi Valley Le Parc
 v.
 ZM Corporation

Merits:

Argued by Brian J. Back for appellant and by Glenn J. Campbell for respondent. Cause submitted.

B101824 Wegis
 v.
 Smith

Merits:

Argued by Ralph Wegis for appellants and by Stanley M. Roden for respondents. Cause submitted.

The Court adjourned 3:39 P.M.

DIVISION SEVEN

B103187 People (Not for Publication)
v.
Gonzalez et al.

The judgments are affirmed. The Superior Court is directed to prepare and send to the Department of Corrections an amended abstract of judgment reflecting that the court imposed a 30-month term of imprisonment for Hector Gonzalez.

Neal, J.

We concur: Johnson, Acting P.J.
Woods, J.

(Not for Publication)

B114259 In re Anthony R., Violet R., and Roxanne R., minors
Anthony R.
v.
Superior Court, Los Angeles County
(Los Angeles County, D.C.F.S., R.P.I.)

Because substantial evidence supports the juvenile court's determination to hold the hearing described in section 366.26, the petition is denied on the merits.

Neal, J.

We concur: Lillie, P.J.
 Johnson, J.

B104079 People (Not for Publication)
v.
Santa Maria

The judgment is affirmed.

Woods, J.

We concur: Lillie, P.J.
 Johnson, J.

October 8, 1997-Continued

DIVISION SEVEN (Continued)

B106027 Estate of Nestal (Not for Publication)
Fabio Nistal et al.
v.
Cannon et al.

The June 17, 1996 order amending the 1995 order and admitting Nestal's will to probate is reversed. The orders settling the accounts and the order denying reconsideration of the accounts and awarding sanctions are affirmed. Each side to bear its own costs on appeal.

Woods, J.

We concur: Lillie, P.J.
Johnson, J.

B101669 People (Not for Publication)
v.
Montero

The judgment is affirmed.

Woods, J.

We concur: Lillie, P.J.
Johnson, J.

B104532 International Medication Systems, Inc.
v.
Assessment Appeals Board of Los Angeles County

Filed order modifying opinion. (No change in the judgment.)

B097375 Schwartz
v.
Strook, Strook & Lavan

Filed order denying petition for rehearing.